

## ORDINANCE NUMBER 15-08

### Gateway Southwest PUD District

#### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the “**Gateway Southwest PUD District**”) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1504-PUD-06**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1504-PUD-06** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable** recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on July 7, 2015;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

**Section 1.**     **Applicability of Ordinance.**

- 1.1     The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Gateway Southwest PUD District**" (the "District").
- 1.2     Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3     Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4     All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2.**     **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1     **Fast Casual Restaurant:** An eating establishment whose primary business is to prepare and serve food that is often made to order and typically includes most of the following characteristics: (i) the food is often ordered and paid for at a counter; (ii) the food is often made to-order; (iii) the ingredients used are often more fresh and of a higher quality than those used in Fast Food Restaurants; (iv) there is not a drive-thru service; and, (v) the décor of the restaurant is often more upscale than that found in a Fast Food Restaurant.
- 2.2     **Underlying Zoning District:**     The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

**Section 3.**     **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with *Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan*. The Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 4.**     **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the General Business District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Underlying Zoning District, as set forth above, shall apply.

**Section 5.**     **Permitted Uses.** The permitted uses shall be as set forth below.

- 5.1     All uses permitted in the Underlying Zoning District, as set forth in *Chapter 4* and

*Chapter 13*, shall be permitted unless otherwise prohibited below.

5.2 Additional Uses: The following additional use shall be permitted:

A. Fast Casual Restaurant

5.3 Prohibited Uses: The following uses shall be prohibited:

A. Mortuaries,

B. Nursery,

C. Religious Institution,

D. Garden and Lawn Center,

E. Fast Food Restaurant, except as otherwise permitted herein:

i. Fast Food Restaurants shall be permitted as an ancillary use within a mixed-use building.

ii. Drive-thru windows shall not be permitted in the Gateway Southwest PUD District.

F. High Intensity Retail,

G. Amphitheater/Outdoor Theater,

H. Civic Club, and

I. Private Club

**Section 6.**     **General Regulations.** The standards of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

6.1     **Minimum Building Setback Lines:**

- A.     From State Road 32: 30 feet
- B.     From Westfield Business Park Court: No minimum
- C.     From All Other Property Lines: No minimum

6.2     **Building Height:** As depicted on the Building Height and Building Size Districts Exhibit, attached hereto and incorporated herein as **Exhibit D**, the Real Estate is divided into two separate building height districts. District 1 is generally described as the area most immediately adjacent to U.S. Highway 31, generally located on the eastern portion of the Real Estate. District 2 comprises the balance of the Real Estate, generally located on the western portion of the Real Estate.

- A.     District 1 Minimum Building Height:
  - i.     Four (4) stories; and,
  - ii.    60 feet (as measured from grade to the top of the roof).
- B.     District 2 Minimum Building Height:
  - i.     One (1) story
- C.     Maximum Building Height (all districts): None

6.3     **Minimum Building Size:**

- A.     District 1: 10,000 square-foot footprint
- B.     District 2:
  - i.     A minimum of one (1) building in District 2 shall include the following:
    - a.     A minimum building size of 8,000 square feet; or,
    - b.     A minimum building size of 6,500 square feet AND a minimum covered outdoor seating area size of 1,500 square feet.
  - ii.    All other buildings in District 2 shall include the following:
    - a.     A minimum building size of 7,000 square feet; or,
    - b.     A minimum building size of 6,000 square feet AND a minimum

covered outdoor seating area size of 1,000 square feet.

**Section 7. Development Standards.** The standards of *Chapter 6: Development Standards* shall apply to the development of the District, except as otherwise modified below.

- 7.1 Architectural Standards: Article 5.3 (K) and Article 6.3 shall apply. In addition, the following shall also apply:
- A. Roofs: Creative, landmark-quality rooflines are encouraged on all sides of all buildings.
  - B. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 7.2 Roof-Mounted Mechanical Equipment: Shall not be visible from any part of the elevated U.S. Highway 31, State Road 32, or adjoining right-of-way.
- 7.3 Buffer Yard Standards: Shall not apply.
- 7.4 Site Access and Circulation: The Pedestrian Accessibility Exhibit, attached hereto as **Exhibit E**, is hereby incorporated as representative drawing designed to capture the intended pedestrian connectivity and pathways to be constructed in the District. The Vehicular Flow Exhibit, attached hereto as **Exhibit F**, is hereby incorporated as a proposed traffic flow pattern intended to create a safe and convenient vehicular movement in the District.
- 7.5 Off-Street Parking:
- A. Off-Street parking shall not be allowed between State Road 32 and the established building line closest to State Road 32.
  - B. The Gateway Southwest PUD shall use a group parking area centrally located on the Real Estate. This group parking area shall provide at least seventy percent (70%) of the total parking spaces required for each use.
- 7.6 On Street Parking: Permitted on Westfield Business Park Court. Each on-street parking space shall count towards the minimum off-street parking space requirement established in this Ordinance.
- 7.7 Bicycle Parking: A minimum of ten (10) bicycle spaces per Principal Building shall be required. Artistic bicycle racks shall be credited towards the Gateway Southwest PUD

public art requirements (see Section 7.10).

7.8 Sign Standards

A. Monument Signage:

- i. One (1) monument sign shall be permitted on the north side of the Real Estate. The sign shall not exceed 25 feet in Sign Height and 250 square feet of Sign Area, per face.
- ii. One (1) monument sign shall be permitted near the southwestern entrance to the Real Estate. The sign shall not exceed 12 feet in Sign Height and 120 square feet of Sign Area, per face.

B. Upper Floor Tenant Signage:

- i. The signage requirements under Article 6.17 (J)(7)(b) shall apply to any building in District 1 (see **Exhibit D**) which is three (3) stories or more in height, regardless of the number of users/tenants in the building.
- ii. The Upper Floor Tenant signage for buildings in District 1 (see **Exhibit D**) which are three (3) stories or more in height shall be permitted one (1) Wall Sign per Building Façade.

7.9 Outdoor Public Space: Plazas, courtyards, gardens, public squares, and similar outdoor usable public spaces shall be encouraged for all primary structures within the Gateway Southwest PUD District.

7.10 Public Art: At least one (1) piece of public art is encouraged within the Gateway Southwest PUD District. If public art is to be installed, then it shall be visually accessible to the public and visible from either U.S. Highway 31 or State Road. 32.

7.11 Outdoor Storage and Display: Not permitted.

7.12 Walls and Fencing: All walls and fencing should be architecturally-compatible with the associated building(s). Chain-link fencing and other non-decorative fencing is not permitted in the Gateway Southwest PUD District.

7.13 U.S. Highway 31 Overlay District: Shall not apply to the Gateway Southwest PUD District.

7.14 State Highway 32 Overlay District: Shall apply to the Gateway Southwest PUD District, unless otherwise modified by this Ordinance.

- A. The Trail Corridor may not be able to be located adjacent to State Road 32 because of Westfield Business Park Court. The route and location of the Trail Corridor shall be determined by the Director at the time of Primary Plat

approval.

**Section 8.**     **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see *Chapter 7: Subdivision Regulations*), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

**Section 9.**     **Design Standards.** The standards of *Chapter 8: Design Standards* shall apply to the development of the District.

ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

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ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Clerk Treasurer

I hereby certify that **ORDINANCE 15-08** was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ m.

\_\_\_\_\_  
\_\_\_\_\_, Clerk-Treasurer



I hereby APPROVE **ORDINANCE 15-08**

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_, Mayor

I hereby VETO **ORDINANCE 15-08**

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Randy Zentz.

This document prepared by: Randy Zentz; Westfield Community Investors, LLC., 111 Monument Circle, Suite 900, Indianapolis, IN 46204

**SCHEDULE OF EXHIBITS**

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Building Height and Building Size Districts Exhibit
Exhibit D	Character Exhibit
Exhibit E	Pedestrian Accessibility Exhibit
Exhibit F	Vehicular Flow Exhibit

**EXHIBIT A**  
**REAL ESTATE**  
Land Description Key Map



August 11, 2014

1:1,200  
0 75 150 Feet

**EXHIBIT A (continued)****Parcel 1 Land Description**

A part of the Northwest Quarter of Section I, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana; thence South 89 degrees 49 minutes 58 seconds West (assumed bearing) along the North line of said Section 1 a distance of 241.50 feet to the Northerly prolongation of the East line of the land of Willow Branch Limited Partnership recorded as Instrument No. 9733809 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 27 minutes 58 seconds West along said East line and the Northerly prolongation thereof 200.83 feet to the South line of the land of the State of Indiana as set out in a Court Cause No. 29COI-1211-PL-12265 and recorded as Instrument No. 2013-06319 in said Recorder's Office and the POINT OF BEGINNING of this description (the following eleven (II) courses are along the East, South and West lines of said land of Willow Branch Limited Partnership); 1.) thence continuing South 00 degrees 27 minutes 58 seconds West 196.17 feet; 2.) thence North 89 degrees 49 minutes 58 seconds East parallel with the North line of said Northwest Quarter 11.00 feet; 3.) thence South 00 degrees 00 minutes 00 seconds East parallel with the East line of said Northwest Quarter 357.88 feet; 4.) thence South 63 degrees 37 minutes 25 seconds West 59.97 feet; 5.) thence South 00 degrees 00 minutes 00 seconds East parallel with said East line 70.08 feet to a point on the Northerly right of way line of Sohl's "Y" Switch, said right of way line being on a non-tangent curve with the last described line, the radius point of which lies 583.05 feet North 23 degrees 25 minutes 43 seconds West from said point; 6.) thence Southwesterly, curving to the right on said right of way line, an arc distance of 171.03 feet to a point on the Easterly line of Dedicated Roadway Easement (known locally as Westfield Park Road), per dedication thereof recorded as Instrument No. 9119718 in said Recorder's Office; 7.) thence North 00 degrees 00 minutes 00 seconds East on the Easterly line of said Easement 7.31 feet to the point of curvature of a curve to the right, the radius point of which lies 275.00 feet North 90 degrees 00 minutes 00 seconds East from said point; 8.) thence Northeasterly, curving to the right on the Easterly line of said Easement, an arc distance of 88.21 feet to the point of tangency of said curve at a point that is 275.00 feet North 71 degrees 37 minutes 17 seconds West of the radius point of said curve; 9.) thence North 18 degrees 22 minutes 43 seconds East on the Easterly line of said Easement 121 .06 feet to the point of curvature of a curve to the left, the radius point of which lies 350.00 feet North 71 degrees 37 minutes 17 seconds West from said point; 10.) thence Northeasterly, curving to the left on the Easterly line of said Easement, an arc distance of 105.94 feet to the point of tangency of said curve, at a point that is 350.00 feet South 88 degrees 57 minutes 52 seconds East of the radius point of said curve; 11.) thence North 01 degrees 02 minutes 08 seconds East on the Easterly line of said Easement 262.64 feet to the South line of said land of the State of Indiana (the following three (3) courses are along said South line); 1.) thence North 27 degrees 48 minutes 20 seconds East 100.57 feet; 2.) thence North 69 degrees 32 minutes 29 seconds East 87.27 feet; 3.) thence South 88 degrees 51 minutes 08 seconds East 5.50 feet to the Point of Beginning, containing 2.213 acres, more or less.

**EXHIBIT A (continued)**

**Parcel 2 Land Description**

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana; thence South 89 degrees 49 minutes 58 seconds West (assumed bearing) along the North line of said Section 1 a distance of 120.75 feet to the Northerly prolongation of the East line of the land of R.L. Wilfong Land Corp. recorded as Instrument No. 2009002807 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 27 minutes 58 seconds West along said East line and Northerly prolongation thereof 203.61 feet to the South line of the land of the State of Indiana as set out in a Warranty Deed recorded as Instrument No. 2013-25385 in said Recorder's Office and the POINT OF BEGINNING of this description (the following three (3) courses are along the East, South and West lines of said land of R.L. Wilfong Land Corp.); 1.) thence continuing South 00 degrees 27 minutes 58 seconds West 193.39 feet; 2.) thence South 89 degrees 49 minutes 58 seconds West 120.75 feet; 3.) thence North 00 degrees 27 minutes 58 seconds East 196.17 feet to the South line of said land of the State of Indiana; thence South 88 degrees 51 minutes 08 seconds East along said South line 120.75 feet to the Point of Beginning, containing 0.540 acres, more or less.

**Parcel 3 Land Description**

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning 81.2 feet measured (83 feet deed) West of the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East on the North line thereof, thence South 397 feet; thence West 120.75 feet; thence North 397 feet; thence East to the place of beginning, the North and South lines thereof being parallel with the East line of said Quarter Section. Containing 1.10 acres, more or less.

**EXCEPT:**

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being bounded as follows: Beginning at a point on the North line of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, said point of beginning being the Northeast corner of a 1.10 acre tract of land described in Instrument #8553 and recorded in Deed Record 197, page 18 in the records of Hamilton County, Indiana, and being 81 .2 feet measured (83 feet prior description) West of the Northeast corner of said Northwest Quarter; thence South 147.75 feet along the East line of said 1.10 acre tract of land; thence West 120.75 feet parallel with the North line of said Northwest Quarter to the West line of said 1.10 acre tract of land; thence North 147.75 feet along the West line of said 1.10 acre tract of land to its Northwest corner and the North line of said Northwest Quarter; thence East 120.75 feet along the North line of said Northwest Quarter to the POINT OF BEGINNING. Containing 0.410 acre, more or less.

**EXHIBIT A (continued)**

**Parcel 4 Land Description**

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows:

Commencing at the northeast corner of said quarter section; thence South 88 degrees 48 minutes 00 seconds West 33.00 feet along the north line of said quarter section; thence South 1 degree 01 minute 58 seconds East 25.00 feet to the northeast corner of the owner's land and the point of beginning of this description: thence South 1 degree 01 minute 58 seconds East 15.00 feet along the east line of the owner's land; thence south 88 degrees 48 minutes 00 seconds West 47.10 feet to the west line of the owner's land, thence North 0 degrees 34 minutes 00 seconds West 15.00 feet along said west line of the owner's land to the south boundary of S.R. 32, thence North 88 degrees 48 minutes 00 seconds East 46.97 feet along the boundary of said S.R. 32 to the point of beginning and containing 0.016 acres, more or less.

Also, an easement in and to the following-described real estate, to wit: A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton county, Indiana, described as follows:

Commencing at the northeast corner of said quarter section; thence south 88 degrees 48 minutes 00 seconds West 33.00 feet along the north line of said quarter section; thence South 1 degree 01 minute 58 seconds East 40.00 feet along the east line of the owner's land to the point of beginning of this description: thence South 1 degree 01 minute 58 seconds East 39.14 feet along said east line of the owner's land; thence South 88 degrees 48 minutes 00 seconds West 47.41 feet to the west line of the owner's land; thence North 0 degrees 34 minutes 00 seconds West 39.14 feet along the said west line of the owner's land; thence north 88 degrees 48 minutes 00 seconds East 47.10 feet to the said line of the owner's land and the point of beginning and containing 0.042 acres, more or less.

**Parcel 5 Land Description**

A part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, commencing at the Southeast corner of a tract of land heretofore deeded to A. J. Sohl, thence West to said Sohl's "Y" switch, thence Southwest on the line of said switch to the right-of-way of the Chicago and Southeastern Railroad Company, thence East to the right-of-way of the Louisville, New Albany and Chicago Railroad Company, thence North to the place of beginning, containing 1 acre, more or less. To more clearly describe the above real estate the "Commencing Point" is a point 33 feet West of, and 44 rods and 1 foot South of the Northeast corner of the Northwest Quarter of section 1, Township 18 North, Range 3 East, and what is referred to as the Chicago and Southeastern Railroad Company is now known as the Central Indiana Railroad Company, and what is referred to as the Louisville, New Albany and Chicago Railroad company is now known as the Monon Railroad.



**EXHIBIT B**  
**CONCEPT PLAN**



**EXHIBIT C**  
**CHARACTER EXHIBIT**





**EXHIBIT D**  
**BUILDING HEIGHT AND BUILDING SIZE DISTRICTS EXHIBIT**



**EXHIBIT E**  
**PEDESTRIAN ACCESSIBILITY EXHIBIT**



**EXHIBIT E**  
**VEHICULAR FLOW EXHIBIT**

